S.B. CRIMINAL MISC. III BAIL APPLICATION NO.5742/06
(Sanjay Singh Vs. State)

Date of order : 16.1.2007

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. Vinit Kumar Mathur, for the applicant.
Mr. JPS Choudhary, Public Prosecutor.

I have heard learned counsel for the applicant as well as learned Public Prosecutor for the State and gone through the statements of witnesses.

The applicant is facing trial for offence under Sections 147, 149, 302, 307, 364 and 149 I.P.C. along with other accused-persons. The first bail application moved on behalf of the applicant was rejected by this Court vide order dated 17.5.2006 while observing that the trial of the case be expedited.

It is contended by the learned counsel for the applicant after rejection of the first bail application, two persons namely Dinesh Bishnoi, who is alleged to be main accused as well as Vijay Narayan Punia have been enlarged on bail. He further contended that the case of present applicant is not distinguishable from that of other accused namely Dinesh Bishnoi and Vijay Narayan Punia. Therefore, he prays that present accused applicant may also be

enlarged on bail.

It is contended by the learned Public Prosecutor that accused Dinesh Bishnoi has been enlarged on bail because he is juvenile and his case is totally distinguishable from that of the present accused applicant. So also, the name of accused Vijay Narayan Punia was not mentioned in the FIR and the name of present applicant was mentioned in the FIR as well as in the statements of eye witnesses namely Gautam Ramawat, Vijay Singh, Jagdish Verma, Tikam Chand and Imran and he has been assigned specific role that he was armed with 'lathi'. Further, it is contended by learned Public Prosecutor that looking to the number of injuries inflicted upon the body of deceased as well as seriousness of offence, the bail application moved on behalf of the present accused applicant may be rejected.

Having gone through the entire record of the case as well as the statements of witnesses namely Bhomaram, Gautam Ramawat, Vijay Singh, Tikam Chand, Pradeep Gaur and Imran, recorded under Section 161 Cr.P.C., it is clear that the case of the present applicant is distinguishable from that of other accused-persons namely Dinesh Bishnoi and Vijay Narayan Punia, who have been enlarged on bail.

Thus, looking to the facts and circumstances

of the case, I am not inclined to grant bail to the accused applicant. Accordingly, the second bail application moved on behalf of accused-appellant Sanjay Singh stands rejected.

(GOPAL KRISHAN VYAS), J.

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